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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,810	08/23/2000	Gwilym J Tilsley	540-227	4178
23117	7590	08/24/2004	EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714			PATEL, SHEFALI D	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/622,810	Applicant(s) TILSLEY, GWILYM J	
	Examiner Shefali D Patel	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9,10 and 12-17 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/30/04 and 7/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 30, 2004 has been entered.

Drawings

2. The drawings were received on September 15, 2003. These drawings are acceptable.

Information Disclosure Statement

3. The information disclosure statement filed on June 30, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the applicant has not submitted an English translation of the reference **FR 2 704 818**. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 9-10 and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Aviv (US 5,666,157).

With regard to **claim 9** Aviv discloses a surveillance system (col. 3 lines 17-31) comprising:

(a) a first camera, positioned to have a field of view of a surveillance area, for providing images of said surveillance area (CCD/TV camera at col. 4 lines 19-28),

(b) a second camera for providing a higher quality image of at least a portion of the surveillance area (camera 20 at col. 7 lines 16-19),

(c) an image processing means (element 12, col. 4 lines 55-56) for making a qualitative assessment of the images provided by said first camera and for causing, when the image quality is inadequate (col. 4 lines 56-65), operation of said second camera to provide a higher quality image of said portion of the surveillance area requiring further analysis (col. 7 lines 26-35),

(d) a data-base (fig. 1, element 16) comprising at least one data-base source from the group comprising (human operators, rule based systems, knowledge based systems,) artificial intelligence systems (col. 4 lines 57-58), (data-bases and algorithms,) and

(e) an image analysis means (image raster analyzer in processing means 12 at col. 4 lines 60-61) for analyzing the content of said higher quality images from said second camera with

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reference to said data-base (analyzing by segmenting the image and determining the movement at col. 7 lines 55-61 and video pictured is recorded of a car-jacker and transmitted via a cell phone at col. 9 lines 60-65), assessing whether any further analysis of the content of said higher quality images from said second camera is required (sampling rate is being increased and entire system is activated to determine the intent of the action at col. 8 lines 12-18), and controlling said second camera to provide further image information of any portion of said surveillance area requiring further analysis (column 7 lines 16, controller 18; note, control means 18 is providing control functions to the imaging, processing and analysis means as seen in figure 1 and also at column 7 lines 16-19, where the second imaging means having the ability to provide more detailed information in relation to a partial section of the view of said first imaging means (at column 7 lines 26-29).

With regard to **claim 10** Aviv discloses a surveillance system, as in Claim 9, wherein said image analysis means further includes means for: analyzing the content of said images from said first camera with reference to said data-base (See, col. 5 lines 4-7, 64-67)), assessing whether any further analysis of the content of said images from said first camera is required (sampling rate is being increased and entire system is activated to determine the intent of the action at col. 8 lines 12-18), and controlling at least one of said cameras to provide further image information of any part of said surveillance area requiring further analysis (column 7 lines 16, controller 18; note, control means 18 is providing control functions to the imaging).

(please note that this is the same as step (e) in claim 9 except that claim 9 referred to the second camera instead of the first.) Aviv discloses all of the analysis means, both, for first (CCD/TV camera) and second (camera 20) camera.

With regard to **claim 12** Aviv discloses a surveillance system, as in Claim 9, wherein said image processing means is pre-programmed to request further analysis of any image having a feature taken from the group comprising certain pre-determined events, features, sequences of actions and images (the pre-determine events are: 1. "two on one" at column 4 line 66, two person approaching one person from front and behind, column 5 lines 1-7, 2. "concerned and curious" at column 8 lines 7-11 when two people are moving closer together; 3. "suspicious actions" at column 10 line 1 when an "expressions" made by a car-jacker are being recorded and transmitted column 9 lines 58-61).

With regard to **claim 13** Aviv discloses image processing means being pre-programmed by said data-base at col. 7 lines 5-8.

With regard to **claim 14** Aviv discloses image analysis means pre-programmed to determine a control function response to any image having one of said features at col. 7 lines 8-19.

With regard to **claim 15** Aviv discloses a surveillance system, as in Claim 9, wherein said image analysis means includes a self-learning means for identifying at least one of a pattern of events and pattern of behavior in a previous sequence of said images that has already been analyzed and regarded as unimportant (See, col. 6 lines 13-27), and for eliminating said unimportant at least one pattern of events and pattern of behavior from further analysis by said image analysis means (the filtering means 40 in Fig. 4 and also see, col. 6 lines 27-45).

With regard to **claim 16** Aviv discloses A surveillance system, as in Claim 9, wherein said image analysis means includes an artificial intelligence means (col. 4 lines 57-58) for identifying one of a pattern of events and pattern of behavior in a previous sequence of said

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images that has already been analyzed and regarded as unimportant (See, col. 6 lines 13-27), and for eliminating said unimportant at least one pattern of events and pattern of behavior from further analysis by said image analysis means (the filtering means 40 in Fig. 4 and also see, col. 6 lines 27-45).

With regard to **claim 17** Aviv discloses a surveillance network comprising a plurality of surveillance systems at col. 6 lines 45-51 (number of imaging means distributed over number of facilities (having combination of the field of view) providing the ability to follow the progress on one monitor).

Allowable Subject Matter

6. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


The closest prior art to Aviv is directed to a surveillance system as disclosed in an independent claim 9. However, the closest prior art fails to disclose anything about a surveillance system including at least one additional imaging means from the group comprising conventional radar, synthetic aperture radar, infra-red imaging systems, millimetric wave imaging Systems, acoustic systems and magnetic Systems, and said image analysis means is additionally arranged to demand further image information from said additional imaging means. as disclosed in claim 11. It is for these reasons in combination with all the other elements of the claim that claim 11 would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shefali D Patel whose telephone number is 703-306-4182. The examiner can normally be reached on M-F 8:00am - 5:00pm (First Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DANIEL MIRIAM
PRIMARY EXAMINER
August 16, 2004

Shefali D Patel
Examiner
Art Unit 2621